

REMARKS

Claims 1-30, 32, and 33 are pending in the current application, with claim 31 being cancelled by this amendment. Claims 1-33 currently stand rejected, and claims 1-30, 32, and 33 have been amended. Reconsideration and withdrawal of the rejections to claims 1-30, 32, and 33 are respectfully requested in light of the preceding amendments and following remarks.

Claim Rejections – 35 U.S.C. § 101

Claims 17, 18, and 31-33 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Particularly, the Examiner rejects these claims for either being nonfunctional descriptive material or untied to a specific machine or apparatus. The Examiner recommends recitation of the term “computer-readable medium” in these claims. Applicants note that each of claims 17, 18, 32, and 33 have been amended to recite a “computer-readable medium” storing code portions that cause servers to execute recited functions or servers including the same. As such, claims 17, 18, 32, and 33 are affirmatively tied to specific structures that execute, or cause other machines to execute, the recited functions. Withdrawal of the rejection to claims 17, 18, 32, and 33 under 35 U.S.C. § 101 is respectfully requested.

Claim Rejections – 35 U.S.C. § 112

Claims 7 and 25 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the

subject matter which applicant regards as the invention. The Examiner rejects the claims for reciting impossible combinations of devices and for failing to further limit claims 6 and 24. Applicants have amended claims 7 and 25 to depend only from independent claims 1 and 19, respectively, so that these claims may properly limit only the devices in the independent claims. Because claims 7 and 25 as amended recite definite structures having ascertainable scope and content, claims 7 and 25 are definite. Withdrawal of the rejections to claims 7 and 25 under 35 U.S.C. § 112, second paragraph is respectfully requested.

Claim Rejections – 35 U.S.C. § 102

Claims 1-6, 8, 13-15, 17-24, and 29-33 stand rejected under 35 U.S.C. § 102(b) as being anticipated by US Pat 6,115,132 to Nakatsuma et al. (“Nakatsuma”). Applicants respectfully traverse this rejection for the reasons detailed below.

The Examiner alleges that Nakatsuma teaches “**receiving, from the selected shared resource**, a confirmation indicating that the job has been completed successfully by the shared resource or that the job has not been completed successfully by the shared resource” and **forwarding** the confirmation to the server as previously recited in claim 19 and receiving such a confirmation at the server from the client as previously recited in claims 1 and 17. Specifically, the Examiner points to a server monitoring a network printer status in Nakatsuma. Applicants respectfully submit that Nakatsuma,

at best, teaches a **server 703 retrieving** only finished job identifiers from the network printer 105. See Nakatsuma, Col. 23, ll. 4-16. Nothing in Nakatsuma indicates that the printer 105 sends the status to the server 703/clients 102-104, that the status indicates if a job has failed, or that the status is then forwarded from clients 102-104 to the server 703. As such, Nakatsuma fails to meet the shared resource sending any job confirmation anywhere as recited in claims 1, 17, 19 as previously presented.

Further, the Examiner applies Nakatsuma's error routine shown in FIG. 47 for the previously-recited client notification of resource unavailability. Applicants have amended claim 1 and 17 to recite "notifying, by the server, the client not to send the job, if the checking continuously determines that the selected shared resource is not accessible," such that both the "notifying" and the "checking continuously" are performed "**by the server.**" In Nakatsuma, it is a **client-side** print module 708 that checks a printer for errors and determines whether to re-register the print job. See Nakatsuma, Col. 22, ll. 15-27; FIG. 8, element 708 on client side. Where the server in Nakatsuma actually checks the printer status, **the server does not, in response, notify the client** not to send the job; rather, the client itself checks the server and always re-schedules the job. See Nakatsuma, Col. 22, ll. 26-34; *see also*, FIGS. 41, 45, and 47, each administered by print monitor 708. As such, Nakatsuma fails to meet the server checking and notification to the client as recited in claims 1 and 17.

Because Nakatsuma fails to teach or suggest each and every feature of claims 1, 17, and 19 as previously presented, Nakatsuma cannot anticipate or render obvious claims 1, 17, or 19. Claims 2-6, 8, 13-15, 18, 20-24, 29, 30, 32, and 33 are allowable at least for depending from an allowable base claim. Withdrawal of the rejection to claims 1-6, 8, 13-15, 17-24, and 29-33 under 35 U.S.C. § 102(b) is respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claims 9, 10, 26, and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakatsuma in view of US Pat Pub 2002/0067504 to Salgado et al. ("Salgado"). Claims 11, 12, and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakatsuma in view of US Pat Pub 2002/0062453 to Koga ("Koga"). Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakatsuma in view of US Pat Pub 2003/0212780 to Hamel et al. ("Hamel"). Applicants respectfully traverse these rejections for the reasons detailed below.

None of Salgado, Koga, and Hamel account for the differences between Nakatsuma and claims 1, 17, and 19, discussed above, nor does the Examiner apply these references for doing so. Because Nakatsuma, alone or in combination with Salgado, Koga, and Hamel, fails to teach or suggest each and every element of claims 1, 17, and 19, these references cannot anticipate or render obvious claims 1, 17 or 19. Claims 9-12, 16, and 26-28 are allowable at least for depending from an allowable base claim. Withdrawal of the rejections

to claims 9-12, 16, and 26-28 under 35 U.S.C. § 103(a) is respectfully requested.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and allowance of each of claims 1-30, 32, and 33 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John A. Castellano at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

HARNES, DICKEY, & PIERCE, P.L.C.

By

John A. Castellano, Reg. No. 35,094

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

JAC/REA:tl
909134.1